

Case Information

DC-21-09043 | DAVID SAMPLE vs. MICHAEL CLOWER, et al

Case Number

DC-21-09043

File Date

07/13/2021

Court

44th District Court

Case Type

MOTOR VEHICLE ACCIDENT

Judicial Officer

WYSOCKI, ASHLEY

Case Status

OPEN

Party

PLAINTIFF

SAMPLE, DAVID

Address

10440 N. CENTRAL EXPRESSWAY
DALLAS TX 75231

Active Attorneys ▼

Lead Attorney

LINK, FELIPE B.
Retained

DEFENDANT

CLOWER, MICHAEL

Address

125 E. 11th Street
Austin TX 78701

DEFENDANT

SUNLAND DISTRIBUTION OF FLORIDA INC.

Address

BY SERVING ITS PROCESS AGENT TRUCK PROCESS
AGENTS OF AMERICA INC. C/O INTERNATIONAL BORDER
TRUCKING COMPLIA
1519 WYOMING
EL PASO TX 79902

Active Attorneys ▼

Lead Attorney

AUFRICHT, JENNIFER
DECHAM
Retained

Events and Hearings

07/13/2021 NEW CASE FILED (OCA) - CIVIL

07/13/2021 ORIGINAL PETITION ▼

PLAINTIFF'S ORIGINAL PETITION

07/13/2021 ISSUE CITATION COMM OF INS OR SOS ▼

ISSUE CITATION COMM OF INS OR SOS - MICHAEL CLOWER

07/13/2021 ISSUE CITATION ▼

ISSUE CITATION - SUNLAND DISTRIBUTION OF FLORIDA, INC.

07/14/2021 CORRESPONDENCE - LETTER TO FILE ▼

RE SERVICE FEES

Comment

RE SERVICE FEES

07/18/2021 ORDER - STATUS CONFERENCE ▼

ORDER - STATUS CONFERENCE

07/20/2021 CITATION SOS/COI/COH/HAG ▼

Unserved

Anticipated Server

ESERVE

Anticipated Method

Comment

MICHAEL CLOWER

07/20/2021 CITATION ▼

Served

07/21/2021

Anticipated Server

ESERVE

Anticipated Method

Actual Server

OUT OF COUNTY

Returned

08/06/2021

Comment

SUNLAND DISTRIBUTION OF FLORIDA, INC.

08/06/2021 RETURN OF SERVICE ▼

EXECUTED CITATION - SUNLAND DISTRIBUTION OF FLORIDA, INC.

Comment

EXECUTED CITATION - SUNLAND DISTRIBUTION OF FLORIDA, INC.

08/11/2021 CERTIFICATE OF SERVICE ▼

CERTIFICATE OF SERVICE C.O.I.:MICHAEL CLOWER

Comment

CERTIFICATE OF SERVICE C.O.I.:MICHAEL CLOWER

08/16/2021 ORIGINAL ANSWER - GENERAL DENIAL ▼

ORIGINAL ANSWER

08/18/2021 ORDER - SETTING SCHEDULING CONF ▼

ORDER - SETTING SCHEDULING CONF

09/03/2021 Scheduling Conference ▼

Judicial Officer

WYSOCKI, ASHLEY

Hearing Time

8:00 AM

09/03/2021 Status Conference ▼

Judicial Officer

WYSOCKI, ASHLEY

Hearing Time

9:00 AM

Cancel Reason

BY COURT ADMINISTRATOR

09/03/2021 SCHEDULING CONFERENCE

Financial

SAMPLE, DAVID

Total Financial Assessment	\$312.00
Total Payments and Credits	\$312.00

7/14/2021	Transaction Assessment	\$308.00
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7/14/2021	CREDIT CARD - TEXFILE (DC)	Receipt # 44846-2021-DCLK	SAMPLE, DAVID	(\$308.00)
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7/19/2021	Transaction Assessment	\$4.00
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7/19/2021	CREDIT CARD - TEXFILE (DC)	Receipt # 45823-2021-DCLK	SAMPLE, DAVID	(\$4.00)
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Documents

PLAINTIFF'S ORIGINAL PETITION

RE SERVICE FEES

ISSUE CITATION - SUNLAND DISTRIBUTION OF FLORIDA, INC.

ISSUE CITATION COMM OF INS OR SOS - MICHAEL CLOWER

ORDER - STATUS CONFERENCE

EXECUTED CITATION - SUNLAND DISTRIBUTION OF FLORIDA, INC.

CERTIFICATE OF SERVICE C.O.I:MICHAEL CLOWER

ORIGINAL ANSWER

ORDER - SETTING SCHEDULING CONF

1 CIT/ SOS/ ES

1 CIT/ ES

DC-21-09049

CAUSE NO. _____

DAVID SAMPLE,

Plaintiff,

VS.

MICHAEL CLOWER AND SUNLAND
DISTRIBUTION OF FLORIDA INC,

Defendant.

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§
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§
§
§
§

IN THE DISTRICT COURT

44th

____ JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION
AND REQUEST FOR DISCLOSURE**

COMES NOW, DAVID SAMPLE, Plaintiff in the above-entitled and numbered cause of action, complaining of Defendants, MICHAEL CLOWER AND SUNLAND DISTRIBUTION OF FLORIDA INC, and in support thereof would respectfully show the Court as follows:

I.**DISCOVERY CONTROL PLAN (LEVEL 2)**

1.1 Pursuant to TEX. RULE OF CIV. P. 190.3, the discovery of this case is to be conducted under Level 2 Discovery Control Plan.

II.**PARTIES**

2.1 David R. Sample ("Plaintiff") is a resident of Dallas, Dallas County, Texas.

2.2 Michael Clower ("Defendant Clower") is a nonresident of the State of Texas and this suit grows out of a collision or accident in which Defendant Clower was involved while operating a motor vehicle in this state in Dallas, Dallas County, Texas. Accordingly, pursuant to Section 17.062 (a) of the Texas Civil Practice and Remedies Code, the Chairman of the Texas Transportation Commission, Tryon D. Lewis, 125 E. 11th Street, Austin, Texas 78701-2483 is an agent for service of process on Defendant Clower. Pursuant to Section 17.063, a certified copy of

the process must be served on the Chairman not later than the 20th day prior to the date of the return stated in the process. The chairman is then instructed to mail a copy of the process and notice that the process has been served on the chairman to:

MICHAEL CLOWER
12161 SE 89TH TER
BELLVIEW, FL 34420

by registered mail or certified mail, return receipt requested, postage prepaid. Plaintiff requests a Chairman's Certificate be issued in connection with this service.

2.3 Sunland Distribution of Florida Inc (Defendant "Sunland") is a foreign corporation with its principal offices located in the State of Florida, and is licensed and registered as an interstate motor carrier. Defendant Sunland engaged in business in the State of Texas by allowing its employee, agent, or servant to operate a motor vehicle on the roads and highways of the State of Texas and in so doing he was involved in a motor vehicle collision with Plaintiff in Dallas County, Texas. TEX. CIV. PRAC. & REM. CODE §§17.041 and 17.042(2). Defendant Sunland filed a form BOC-3 with the Federal Motor Carrier Safety Administration making a blanket designation naming "TRUCK PROCESS AGENTS OF AMERICA, INC" its process agent. Therefore, service of process on Defendant Sunland may be made by serving its process agent: **TRUCK PROCESS AGENTS OF AMERICA, INC, C/O INTERNATIONAL BORDER TRUCKING COMPLIANCE SERVICE INC., 1519 WYOMING, EL PASO, TX 79902.**

III. **JURISDICTION and VENUE**

3.1 This Court has jurisdiction in this cause since the damages to Plaintiff are within the jurisdictional limits of this Court.

3.2 Venue is proper pursuant to TEX. CIV. PRAC. & REM. CODE §15.002 because the events giving rise to this suit occurred in Dallas County, Texas.

3.3 All conditions precedent have occurred.

IV.
CLAIM FOR RELIEF

4.1 Pursuant to TEX. RULE OF CIV. P. 47(c)(4), Plaintiff's claim for monetary relief is over \$250,000.00 but not more than \$1,000,000.00.

V.
FACTS

5.1 On or about September 4, 2019, Plaintiff was driving west on Valentine Street in Dallas, Dallas County, Texas when he stopped behind Defendant Clower, whose vehicle was at a complete stop in the roadway. Suddenly and without warning Defendant Clower reversed his vehicle, colliding with Plaintiff's vehicle. This collision caused severe injuries to Plaintiff.

VI.
NEGLIGENCE

6.1 On the occasion in question, Defendant Clower operated a vehicle in a negligent manner and violated the duty of care owed to the Plaintiff to exercise ordinary care in the operation of a motor-vehicle, as follows:

- a. By reversing when unsafe;
- b. In failing to maintain a proper lookout as a person of ordinary prudence would have maintained under the same or similar circumstances;
- c. In failing to control the operation of said vehicle;
- d. In failing to avoid the incident in question;
- e. In operating the vehicle in an unsafe manner;
- f. By driving at a speed greater than reasonable and prudent under the circumstances then existing in violations of TEX. TRANS. CODE § 545.351; and
- g. Other acts or negligence and/or negligence per se.

6.2 The Defendant drove the vehicle at the time and on the occasion in question with willful or wanton disregard for the safety of others, in violation of the laws of the State of Texas, including TEX. TRANS. CODE §545.401.

6.3 Each of the foregoing acts or omissions, whether taken singularly or in any combination, constitutes negligence, gross negligence and was a proximate cause of Plaintiff's injuries and damages listed below. As a result, the Plaintiff is entitled to recover such damages as may be awarded by the trier of fact, including punitive and exemplary damages.

VII.
RESPONDEAT SUPERIOR

7.1 At all times material to this lawsuit, Defendant Clower was an employee of Defendant Sunland and was acting within the course and scope of that employment. Consequently Defendant Sunland is vicariously liable to Plaintiff for the negligent and/or negligent per se conduct of Defendant Clower under the doctrine of *respondeat superior*.

VIII.
NEGLIGENT HIRING/TRAINING/SUPERVISION/ENTRUSTMENT

8.1 Plaintiff would show that said collision made the basis of this lawsuit resulted from the negligence of Defendant Sunland. Such negligent and/or negligent *per se* acts or omission include, but are not limited to the following:

- a. hiring and/or retaining Defendant Clower, whom it knew or should have known was a reckless or incompetent driver;
- b. entrusting a vehicle to Defendant Clower, whom it knew or should have known was a reckless or incompetent driver;
- c. failing to properly investigate Defendant Clower's driving and employment history;
- d. failing to properly train Defendant Clower;
- e. failing to properly supervise Defendant Clower's driving activities;

- f. failing to maintain the vehicle involved in the collision in proper working;
- g. failing to properly repair the vehicle involved in the collision;
- h. failing to properly inspect the vehicle involved in the collision in question;
and
- i. other acts of negligence and/or negligence *per se*.

8.2 One, some, or all of the foregoing acts and/or omissions or others on the part of Defendant Sunland constituted negligence and/or negligence *per se* and such negligence and/or negligence *per se* was a proximate cause of the occurrence and Plaintiff's injuries and damages.

IX. DAMAGES

9.1 As a result of the incident made the basis of this lawsuit described in the preceding paragraphs and the negligence and/or negligence *per se* of Defendants, Plaintiff sustained significant injuries and damages in the past and will in reasonable probability sustain these damages in the future.

9.2 Plaintiff respectfully requests that the trier of fact determine the amount of the damages and losses that he incurred in the past and will reasonably incur in the future, as well as the monetary value of these damages, which include, but are not limited to:

- a. Physical pain and mental anguish;
- b. Disfigurement;
- c. Physical impairment;
- d. Medical care expenses;
- e. Loss of earning capacity; and
- f. Any other out-of-pocket economic losses.

X.
CLAIM FOR PREJUDGMENT
AND POST-JUDGMENT INTEREST

10.1 Plaintiff claims interest in accordance with TEX. FINANCE CODE §304.001 *et seq.* and any other applicable law.

XI.
REQUESTS FOR DISCLOSURE

11.1 Pursuant to Rule 194, Request is made that each Defendant disclose the information or material described in TEX. RULE OF CIV. P. 194.2 (1)-(12).

XII.
RULE 193.7 NOTICE

12.1 Pursuant to TEX. RULE OF CIV. P. 193.7, Plaintiff gives notice to Defendants that any and all documents produced may be used against the Defendant producing the document at any pretrial proceeding and/or at the trial of this matter without the necessity of authenticating the documents.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited in terms of law to appear and answer herein, that upon final trial and hearing hereof, that Plaintiff recover damages in accordance with the evidence, that Plaintiff recover punitive or exemplary damages, that Plaintiff recover costs of court herein expended, that Plaintiff recover interest to which Plaintiff is justly entitled under the law, and for such other further relief, both general and special, both in law and in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

By: 

FELIPE B. LINK

State Bar No. 24057968

E-Mail: fblink@linklawpc.com

JAVIER GONZALEZ

State Bar No. 24027331

E-Mail: jgonzalez@linklawpc.com

DANIELLA R. ALVARADO

State Bar No. 24109584

E-Mail: dalvarado@linklawpc.com

LINK & ASSOCIATES

10440 North Central Expy., Ste. 950

Dallas, Texas 75231

Telephone: (214) 214-3001

Facsimile: (214) 521-5871

ATTORNEYS FOR PLAINTIFF

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Felipe Link on behalf of Felipe Link
 Bar No. 24057968
 flink@linklawpc.com
 Envelope ID: 55305921
 Status as of 7/14/2021 9:31 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Daniella R.Alvarado		dalvarado@linklawpc.com	7/13/2021 2:56:16 PM	SENT
Felipe B.Link		flink@linklawpc.com	7/13/2021 2:56:16 PM	SENT
Javier Gonzalez		jgonzalez@linklawpc.com	7/13/2021 2:56:16 PM	SENT
Jana Hempling		jana@linklawpc.com	7/13/2021 2:56:16 PM	SENT
Leticia Alvez		leticia@linklawpc.com	7/13/2021 2:56:16 PM	SENT
Monica Isaac		monica@linklawpc.com	7/13/2021 2:56:16 PM	SENT
Sara Link		sara@linklawpc.com	7/13/2021 2:56:16 PM	SENT

FORM NO. 3534 CITATION
THE STATE OF TEXAS

To: **MICHAEL CLOWER**

BY SERVING THE CHAIRMAN OF THE TEXAS TRANSPORTATION COMMISSION
125 E. 11TH ST.
AUSTIN, TX 78701-2483

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and **petition**, a default judgment may be taken against you.

In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **44th District Court** at 600 Commerce Street, Dallas Texas, 75202.

Said **PLAINTIFF** being **DAVID SAMPLE**

Filed in said Court on the **13th day of July, 2021** against

MICHAEL CLOWER; SUNLAND DISTRIBUTION OF FLORIDA INC.

For suit, said suit being numbered **DC-21-09043** the nature of which demand is as follows:
Suit On **MOTOR VEHICLE ACCIDENT** etc.

As shown on said petition **REQUEST FOR DISCLOSURE** a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.

Given under my hand and the Seal of said Court at office on **this the 20th day of July, 2021**

ATTEST: FELICIA PITRE Clerk of the District Courts of Dallas, County, Texas

By *Carlenia Bouligny*, Deputy
CARLENIA BOULIGNY



ESERVE (COH)

CITATION

No.: **DC-21-09043**

DAVID SAMPLE

Vs.

MICHAEL CLOWER, et al

ISSUED

**ON THIS THE 20TH DAY OF JULY,
2021**

FELICIA PITRE
Clerk District Courts,
Dallas County, Texas

By **CARLENIA BOULIGNY**, Deputy

Attorney for Plaintiff
FELIPE B. LINK
LINK & ASSOCIATES
10440 N CENTRAL EXPY
STE 950
DALLAS TX 75231
214-214-3001
fblink@linklawpc.com

**DALLAS COUNTY
SERVICE FEES
NOT PAID**

**OFFICER'S RETURN
FOR INDIVIDUALS**

Cause No. DC-21-09043
Court No: 44th District Court

Style: DAVID SAMPLE
Vs.
MICHAEL CLOWER, et al

Received this Citation the _____ day of _____, 20____ at _____ o'clock. Executed at _____, within the County of _____, State of _____, on the _____ day of _____, 20____, at _____ o'clock, by _____ delivering to the within named _____ each in person, a copy of this Citation together with the accompanying copy of Plaintiff's original petition, having first indorsed on same the date of delivery.

-----000000-----
**OFFICER'S RETURN
FOR CORPORATIONS**

Received this Citation the _____ day of _____, 20____ at _____ o'clock ____ .M. Executed at _____, within the County of _____, State of _____, on the _____ day of _____, 20____, at _____ o'clock ____ .M. by summoning the within named Corporation, _____

President - Vice President - Registered Agent - in person, of the said

A true copy of this citation together with the accompanying copy of Plaintiff's original petition, having first indorsed on same the date of delivery.

-----000000-----
The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness by my hand.
For Serving Citation \$ _____ Sheriff _____
For Mileage \$ _____ County of _____
For Notary \$ _____ State of _____
Total Fees \$ _____ By _____

(Must be verified if served outside the State of Texas)

State of _____
County of _____

Signed and sworn to me by the said _____ before me this _____ day of _____, 20____, to certify which witness my hand and seal of office.

Seal

State & County of _____

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

**To: SUNLAND DISTRIBUTION OF FLORIDA INC.
BY SERVING ITS PROCESS AGENT TRUCK PROCESS
AGENTS OF AMERICA INC C/O INTERNATIONAL BORDER TRUCKING COMPLIANCE SERVICES, INC.
1519 WYOMING
EL PASO TX 79902**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written Answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and **petition**, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **44th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **DAVID SAMPLE**

Filed in said Court **13th day of July, 2021** against

MICHAEL CLOWER AND SUNLAND DISTRIBUTION OF FLORIDA INC.

For Suit, said suit being numbered **DC-21-09043**, the nature of which demand is as follows:
Suit on **MOTOR VEHICLE ACCIDENT** etc. as shown on said **petition REQUEST FOR DISCLOSURE**, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 20th day of July, 2021.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By *Carlenia Bouligny*, Deputy
CARLENIA BOULIGNY



ESERVE

CITATION

DC-21-09043

**DAVID SAMPLE
Vs.
MICHAEL CLOWER, et al**

**ISSUED THIS
20th day of July, 2021**

**FELICIA PITRE
Clerk District Courts,
Dallas County, Texas**

By: CARLENIA BOULIGNY, Deputy

**Attorney for Plaintiff
FELIPE B. LINK
LINK & ASSOCIATES
10440 N CENTRAL EXPY
STE 950
DALLAS TX 75231
214-214-3001
fblink@linklawpc.com
**DALLAS COUNTY
SERVICE FEES
NOT PAID****

OFFICER'S RETURN

Case No. : DC-21-09043

Court No.44th District Court

Style: DAVID SAMPLE

Vs.

MICHAEL CLOWER, et al

Came to hand on the _____ day of _____, 20____, at _____ o'clock _____ .M. Executed at
_____, within the County of _____ at _____ o'clock _____ .M. on the
_____ day of _____, 20____, by delivering to the within named

Each in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery.

The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ _____

For mileage \$ _____

For Notary \$ _____

of _____ County, _____

by _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20____,

To certify which witness my hand and seal of office.

Notary Public _____ County _____

FELIPE B. LINK
JAVIER GONZALEZ
DANIELLA R. ALVARADO
LIZETH BECERRA



LINK & ASSOCIATES

ATTORNEYS AT LAW

10440 N. CENTRAL EXPRESSWAY, SUITE 950, DALLAS, TEXAS 75231
TELEPHONE: (214) 214-3001 FACSIMILE: (214) 521-5871

www.LinkLawPC.com

TIFFANY KAMUCHE
Of counsel, practice limited to Family Law
YOVANNA VARGAS
*Of counsel, licensed in Louisiana,
practice limited to Immigration Law*

July 14, 2021

Via: E-File Service

44th Judicial District Court
600 Commerce St.
6th Floor
Dallas, Texas 75202

Re: ***David Sample v Michael Clower and Sunland Distribution of Florida Inc.
Cause Number DC-21-09043***

Dear Sir or Madam:

Attached please find the fees to issue the citation for Defendant Michael Clower for the above referenced cause number.

If you have any comments or concerns, please do not hesitate to contact our office at 214-214-3001.

Very truly yours,
LINK & ASSOCIATES

Jana Hempling
Paralegal

JH/

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Felipe Link on behalf of Felipe Link
 Bar No. 24057968
 flink@linklawpc.com
 Envelope ID: 55334657
 Status as of 7/19/2021 8:59 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Felipe B.Link		flink@linklawpc.com	7/14/2021 11:15:13 AM	SENT
Javier Gonzalez		jgonzalez@linklawpc.com	7/14/2021 11:15:13 AM	SENT
Jana Hempling		jana@linklawpc.com	7/14/2021 11:15:13 AM	SENT
Monica Isaac		monica@linklawpc.com	7/14/2021 11:15:13 AM	SENT
Daniella R.Alvarado		dalvarado@linklawpc.com	7/14/2021 11:15:13 AM	SENT
Sara Link		sara@linklawpc.com	7/14/2021 11:15:13 AM	SENT
Leticia Alvez		leticia@linklawpc.com	7/14/2021 11:15:13 AM	SENT

CAUSE NO. DC-21-09043

DAVID SAMPLE,

Plaintiff(s),

v.

MICHAEL CLOWER, et al,

Defendant(s).

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IN THE DISTRICT COURT

DALLAS COUNTY, TEXAS

44TH JUDICIAL DISTRICT

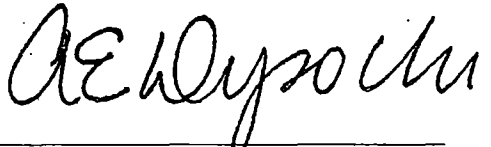
STATUS CONFERENCE ORDER

Please be advised that the above-referenced matter is hereby set for a status conference/dismissal hearing at:

9:00 a.m. on September 3, 2021

Failure to appear at this hearing may result in the dismissal of this matter for want of prosecution pursuant to Texas Rules of Civil Procedure 165a and the Court's inherent power.

Signed this 18th day of July, 2021.



JUDGE PRESIDING

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

**To: SUNLAND DISTRIBUTION OF FLORIDA INC.
BY SERVING ITS PROCESS AGENT TRUCK PROCESS
AGENTS OF AMERICA INC C/O INTERNATIONAL BORDER TRUCKING COMPLIANCE SERVICES, INC.
1519 WYOMING
EL PASO TX 79902**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written Answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the 44th District Court at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **DAVID SAMPLE**

Filed in said Court **13th day of July, 2021** against

MICHAEL CLOWER AND SUNLAND DISTRIBUTION OF FLORIDA INC.

For Suit, said suit being numbered **DC-21-09043**, the nature of which demand is as follows: Suit on **MOTOR VEHICLE ACCIDENT** etc. as shown on said petition **REQUEST FOR DISCLOSURE**, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 20th day of July, 2021.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By *Carlenia Bouligny*, Deputy
CARLENIA BOULIGNY



* *Claudia Jane Saenz*

* *[Signature]*

ESERVE**CITATION****DC-21-09043**

**DAVID SAMPLE
Vs.
MICHAEL CLOWER, et al**

**ISSUED THIS
20th day of July, 2021**

**FELICIA PITRE
Clerk District Courts,
Dallas County, Texas**

By: CARLENIA BOULIGNY, Deputy

**Attorney for Plaintiff
FELIPE B. LINK
LINK & ASSOCIATES
10440 N CENTRAL EXPY
STE 950
DALLAS TX 75231
214-214-3001
fblink@linklawpc.com
DALLAS COUNTY
SERVICE FEES
NOT PAID**

* *July 21st* * *2:43 pm*
2021

OFFICER'S RETURN

Case No. : DC-21-09043

Court No. 44th District Court

Style: DAVID SAMPLE

Vs.

MICHAEL CLOWER, et al

Came to hand on the 21st day of July, 20 21, at 10⁰⁰ o'clock A.M. Executed at
1519 Wyoming St El Paso Texas 79902, within the County of El Paso at 1:43 o'clock P.M. on the
21st day of July, 20 21, by delivering to the within named

Sunland Distribution of Florida Inc - Agent of American Inc c/o International Border Trucking Compliance Services Inc (Process Agent Truck Process)

Each in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery.

The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ _____

For mileage \$ _____

For Notary \$ _____

of _____ County, _____
by _____ Deputy

(Must be verified if served outside the State of Texas.)

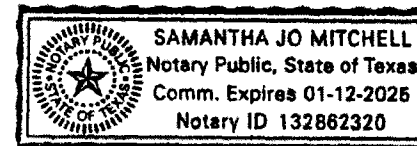
Signed and sworn to by the said Holt-Shirley Raymond before me this 23 day of July, 20 21.

To certify which witness my hand and seal of office.

Notary Public

Samantha Mitchell County El Paso

7/23/2021



Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 56082193
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Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Cherokee Process Servers		475802@protonmail.com	8/6/2021 2:28:25 PM	SENT

TEXAS TRANSPORTATION COMMISSION CHAIRMAN'S CERTIFICATE

NO. DC-21-09043

DAVID SAMPLE

VS.

MICHAEL CLOWER AND SUNLAND
DISTRIBUTION OF FLORIDA, INC

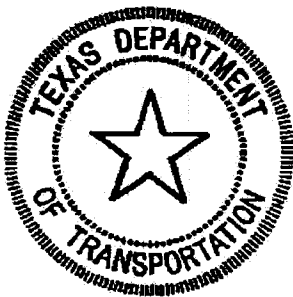
§ IN THE DISTRICT COURT
§
§ 44TH JUDICIAL
§
§ DALLAS COUNTY, TEXAS

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW J. Bruce Bugg, Jr., Chairman of the Texas Transportation Commission,
and Certifies to the court as follows:

That on July 26, 2021, I was duly served with Citation and copy of Plaintiff's Original
Petition and Request for Disclosure in the above styled and numbered cause, which I
immediately caused to be forwarded by U.S. Certified Mail, certified number 7017 1000
0000 4277 1421 addressed to Michael Clower, 12161 SE 89th Ter, Bellview, FL 34420
with postage prepaid, return receipt requested;

In witness whereof, this certificate is issued in Austin, Texas, this 26th day of July,
2021.



A handwritten signature in black ink, appearing to read "J. Bruce Bugg, Jr.", is written over a horizontal line.

Chairman, Texas Transportation Commission

Automated Certificate of eService

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Link & Associates E-Filing service on behalf of Javier Gonzalez
 Bar No. 24027331
 e-filing@linklawpc.com
 Envelope ID: 56190492
 Status as of 8/13/2021 3:17 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Felipe B.Link		flink@linklawpc.com	8/11/2021 8:28:54 AM	SENT
Javier Gonzalez		jgonzalez@linklawpc.com	8/11/2021 8:28:54 AM	SENT
Jana Hempling		jana@linklawpc.com	8/11/2021 8:28:54 AM	SENT
Sara Link		sara@linklawpc.com	8/11/2021 8:28:54 AM	SENT
Link & Associates E-Filing service		e-filing@linklawpc.com	8/11/2021 8:28:54 AM	SENT

THOMPSON, COE, COUSINS & IRONS, L.L.P.

By: /s/Jennifer D. Aufricht
Jennifer D. Aufricht
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(214) 871-8200
(214) 871-8209 (Fax)

**Attorneys for Defendant Sunland
Distribution of Florida, Inc.**

CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2021, a true and correct copy of the foregoing document was forwarded to the following known counsel of record by e-service:

Felipe B. Link
Javier Gonzalez
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10440 North Central Expy., Ste. 950
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jgonzalez@linklawpc.com
dalvarado@linklawpc.com
Attorney for Plaintiff

/s/ Jennifer D. Aufricht
Jennifer D. Aufricht

Automated Certificate of eService

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Dymris Williams on behalf of Jennifer Aufricht
 Bar No. 01429050
 ddwilliams@thompsoncoec.com
 Envelope ID: 56329025
 Status as of 8/17/2021 9:46 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Cherokee Process Servers		475802@protonmail.com	8/16/2021 10:45:20 AM	SENT
Felipe B.Link		fblink@linklawpc.com	8/16/2021 10:45:20 AM	SENT
Javier Gonzalez		jgonzalez@linklawpc.com	8/16/2021 10:45:20 AM	SENT
Jana Hempling		jana@linklawpc.com	8/16/2021 10:45:20 AM	SENT
Sara Link		sara@linklawpc.com	8/16/2021 10:45:20 AM	SENT
Kristen Barnebey		kBarnebey@thompsoncoec.com	8/16/2021 10:45:20 AM	SENT
Jennifer DAufricht		jaufrecht@thompsoncoec.com	8/16/2021 10:45:20 AM	SENT
Renee Smith		Renee.Smith@thompsoncoec.com	8/16/2021 10:45:20 AM	SENT
Emily Rogers		erogers@thompsoncoec.com	8/16/2021 10:45:20 AM	SENT
Charles Weigel		cweigel@thompsoncoec.com	8/16/2021 10:45:20 AM	SENT

Associated Case Party: DAVID SAMPLE

Name	BarNumber	Email	TimestampSubmitted	Status
Link & Associates E-Filing service		e-filing@linklawpc.com	8/16/2021 10:45:20 AM	SENT

CAUSE NO. DC-21-09043

DAVID SAMPLE,

Plaintiff,

VS.

**MICHAEL CLOWER AND SUNLAND
DISTRIBUTION OF FLORIDA INC.,**

Defendant.

[illegible]

IN THE DISTRICT COURT

44TH JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

DEFENDANT MICHAEL CLOWER'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Michael Clower (“Defendant”), and files his Original Answer to Plaintiff’s Original Petition, and would respectfully show the Court the following:

I. GENERAL DENIAL

Defendant generally denies the allegations contained in Plaintiff's Original Petition, and since they are allegations of fact, Plaintiff should be required to prove the allegations by a preponderance of the evidence in accordance with the laws of the State of Texas.

II. PRAYER

BASED ON THE FOREGOING, Defendant prays that Plaintiff take nothing by his claims in this suit, for the recovery of Defendant's costs in defending this suit, and for such other and further relief, both general and special, at law and in equity, to which Defendant may be entitled.

Respectfully submitted,

THOMPSON, COE, COUSINS & IRONS, L.L.P.

By: /s/Jennifer D. Aufricht
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**Attorneys for Defendants Michael Clower
and Sunland Distribution of Florida, Inc.**

CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2021, a true and correct copy of the foregoing document was forwarded to the following known counsel of record by e-service:

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Attorney for Plaintiff

/s/ Jennifer D. Aufricht
Jennifer D. Aufricht